

ZONING CHANGE REVIEW SHEET

CASE: C14-2007-0270 – 1606 Nelms Drive

Z.P.C. DATE: February 19, 2008

ADDRESS: 1606 Nelms Drive

OWNERS: Albert L. Ebaugh &
Irvin A. Ebaugh, Jr.

AGENT: Holford Group
(Charles Dunn)

ZONING FROM: GR-CO

TO: GR-CO,

AREA: 3.22 acres
to change a condition of zoning

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The Conditional Overlay limits the number of daily trips to 2,000.

ZONING & PLATTING COMMISSION RECOMMENDATION:

February 19, 2008: *APPROVED GR-CO DISTRICT ZONING, AS STAFF
RECOMMENDED; BY CONSENT.*

*[C. HAMMOND, J. SHIEH] (5-0) K. JACKSON – ARRIVED LATE; J. MARTINEZ,
T. RABAGO - ABSENT*

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The subject platted lot is undeveloped and has frontage on the northbound IH-35 frontage lanes and Nelms Drive, a collector. The lot is zoned community commercial – conditional overlay (GR-CO) district since 1988, with the Conditional Overlay limiting the floor-to-area ratio (FAR) to 0.24 to 1. There is undeveloped property to the north (GR), apartments to the east (MF-3), and a tire sales business and a vacant general retail sales (general) use to the south (GR-CO). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes to rezone the property to modify the existing Conditional Overlay to a 2,000 trip limit, to accommodate the construction of a hotel. As the maximum height allowed in the GR district is 60 feet, the existing FAR would limit the development of a hotel use, and a 2,000 trip limit would better accommodate the use. GR zoning is compatible and consistent with the zoning and land uses in the vicinity of the Nelms Drive and northbound IH-35 frontage road intersection.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-CO	Undeveloped
<i>North</i>	GR	Undeveloped
<i>South</i>	GR-CO	Tire sales; Vacant general retail sales (general) Undeveloped
<i>East</i>	MF-3	Apartments
<i>West</i>	N/A	Northbound frontage lanes of IH-35

AREA STUDY: N/A**TIA:** Is not required**WATERSHED:** Williamson Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

26 – Far South Austin Community Association
 27 – Franklin Park Neighborhood Association
 96 – Southeast Corner Alliance of Neighborhoods (SCAN)
 300 – Terrell Lane Interceptor Association
 428 – Barton Springs / Edwards Aquifer Conservation District
 511 – Austin Neighborhoods Council 627 – Onion Creek Homeowners Association
 742 – Austin Independent School District 743 – Southeast Trails & Greenbelt Alliance
 786 – Home Builders Association of Greater Austin
 1037 – Homeless Neighborhood Association

SCHOOLS:

Perez Elementary School Mendez Middle School Akins High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2007-0042 – 1801 Nelms Drive	SF-3; SF-3-H to MF-4	Approved historic structure footprint to remain SF-3-H and the balance of tract to be rezoned MF-3. Any use higher than SF-3 will require site plan approval by ZAP	Pending

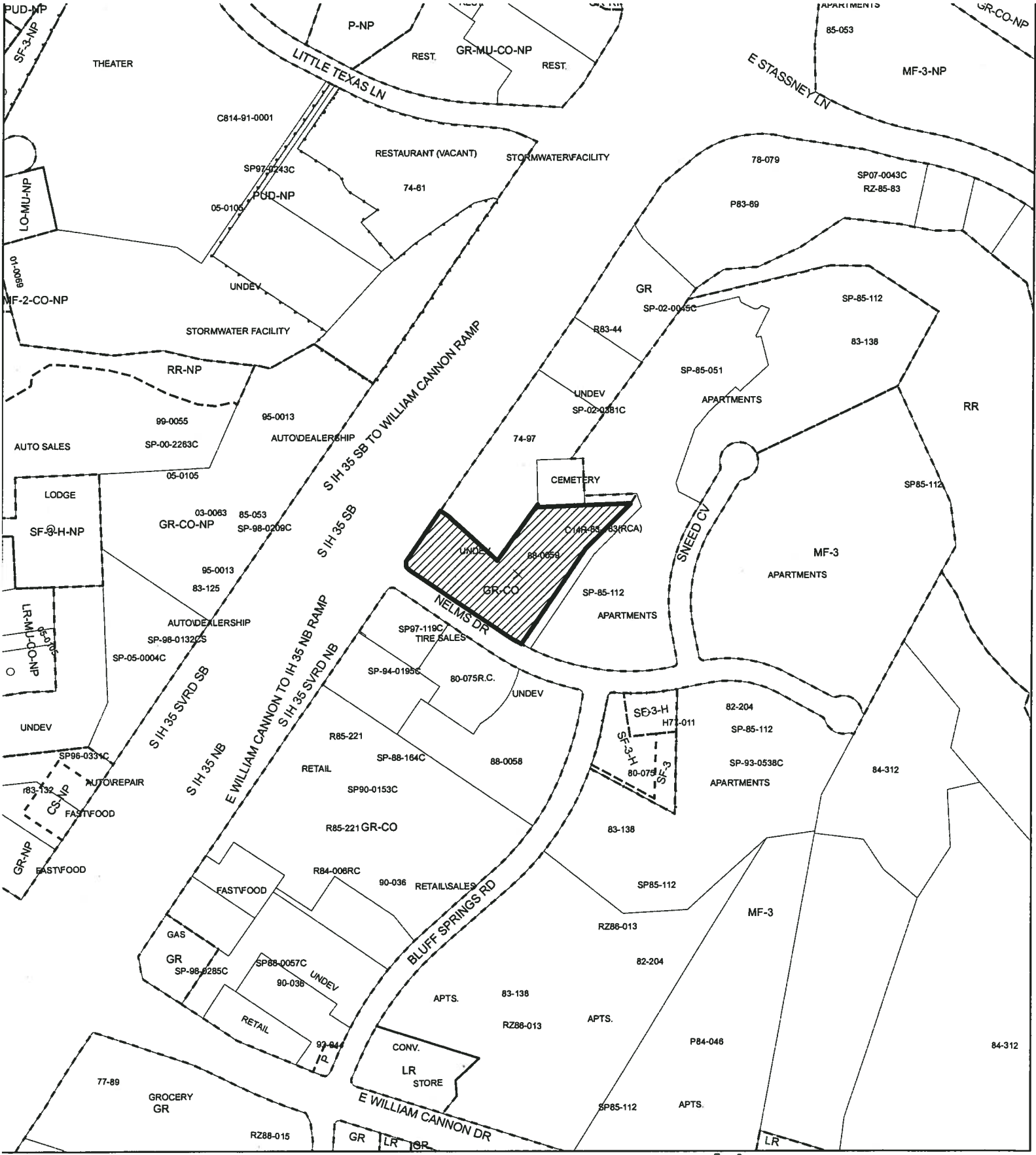
RELATED CASES:


In 1988, the property was rezoned from MF-3 to GR-CO with the Conditional Overlay limiting the floor-to-area ratio to 0.24 to 1 (C14-88-0059-CO). Please refer to Exhibit B. The rezoning area is platted as Lot 1, Block B, Comal Bluff Section One, recorded in January 1984 (C8-80-021.03.1(83)). Please refer to Exhibit C.

ABUTTING STREETS:


NAME	ROW	PAVEMENT	CLASSIFICATION	SIDEWALKS	CAPITAL METRO
Nelms Drive	75 feet	45 feet	Collector	On the north side of Nelms Drive, but not on this property	Yes, along Nelms Drive

CITY COUNCIL DATE: March 6, 2008**ACTION:****ORDINANCE READINGS:** 1st 2nd 3rd**ORDINANCE NUMBER:****CASE MANAGER:** Wendy Rhoades
e-mail: wendy.rhoades@ci.austin.tx.us**PHONE:** 974-7719







N



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE

ZONING

ZONING CASE#: C14-2007-0270
ADDRESS: 1606 NELMS DR
SUBJECT AREA: 3.22 ACRES
GRID: H16
MANAGER: W. RHOADES

EXHIBIT A



OPERATOR: S. MEEKS

This map has been produced by G.I.S. Services for the sole purpose of geographic reference.
No warranty is made by the City of Austin regarding specific accuracy or completeness.

1" = 400'



ORDINANCE NO. 880925

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS: LOT 1, BLOCK B, COMAL BLUFF SECTION ONE, LOCALLY KNOWN AS THE INTERSECTION OF NELMS DRIVE AND INTERSTATE HIGHWAY-35 SOUTH, FROM "MF-3" MULTIFAMILY RESIDENCE (MEDIUM DENSITY) DISTRICT TO "GR-CO" COMMUNITY COMMERCIAL DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT, SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Chapter 13-2 of the Austin City Code of 1981 is amended to change the base zoning district from "MF-3" Multifamily Residence (Medium Density) district to "GR-CO" Community Commercial district-Conditional Overlay combining district on the property described in File (C14-88-0059-CO), as follows:

Lot 1, Block B, Comal Bluff Section One, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 84, Pages 16B, 16C, 16D, and 17A, of the Plat Records of Travis County, Texas,

locally known as the intersection of Nelms Drive and Interstate Highway-35 South, in the City of Austin, Travis County, Texas.

PART 2. Notwithstanding any use or site development regulations of the "GR" Community Commercial base district to the contrary, the property within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following restriction:

1. Development on the Property shall be restricted to a maximum floor to area of .24 to 1.

Except as specifically restricted by this ordinance, the property may be developed and used in accordance with the regulations established for the "GR" Community Commercial base district and other applicable requirements of the Land Development Code.

PART 3. It is ordered that the Zoning Map established by Sec. 13-2-22 of the Austin City Code of 1981 and made a part thereof shall be changed to record the amendment enacted by this ordinance.

PART 4. The requirement imposed by Section 2-2-3 of the Austin City Code of 1981 that this ordinance be read on three separate

EXHIBIT B
1988 ORDINANCE

days shall be waived by the affirmative vote of five members of the City Council to pass this ordinance through more than one reading on a single vote.

PART 5. This ordinance shall be effective ten days following the date of its final passage.

PASSED AND APPROVED


August 25, 1988


Lee Cooke
Mayor

APPROVED


Jonathan R. Davis
Acting City Attorney

ATTEST:


James E. Aldridge
City Clerk

88-0059-CO
AFM/jj

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The Conditional Overlay limits the number of daily trips to 2,000.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The proposed GR, Community Commercial district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways. The property has access to the northbound IH-35 frontage and a collector street.

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

GR zoning is compatible and consistent with the zoning and land uses in the vicinity of the Nelms Drive and northbound IH-35 frontage road intersection.

EXISTING CONDITIONS

Site Characteristics

The site is undeveloped and relatively flat, and there appear to be no critical environmental features.

Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 80%, which is based on the more restrictive watershed regulations described below.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%

Multifamily	60%	70%
Commercial	80%	90%

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

Transportation

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at his own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and / or abandonments required. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Site Plan and Compatibility Standards

This site will be subject to Commercial Design Standards. Nelms Drive will be the Principal Street and is classified as Suburban.

Site plans will be required for any new development other than single-family or duplex residential.

This site is located in the Desired Development Zone. Expiration for any site plan will be three years from the date of approval however; under Project Duration [25-1-535(C)(3)] the site plan can only be extended to a maximum of five years from initial submittal date of application. No other extensions will be allowed under Project Duration for projects in the DDZ. For questions concerning Project Duration please contact Susan Scallon at 974-2659.

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:
www.ci.austin.tx.us/development

512 - 974-6034 to: Wendy

Feb 12 08 02:23p

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254-947-3146

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Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2007-0270

Contact: Wendy Rhoades, (512) 974-7719

Public Hearing:

February 19, 2008 Zoning and Planning

Commission

☒ In favor
☐ Object

Dr. Billie Hawke Jr.

Your Name (please print)

For International Equestrian Assoc.

Box 1174, Salado TX 76571

Your address(es) affected by this application

Signature: *Dr. Billie Hawke Jr.*

Date: Feb. 11, 2008

Comments:

Best wishes for the Project

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810